

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No. 5:18-cv-02400-SJO-KES

Date: July 12, 2019

Title: JOSE RAMON BATISTA v. NANCY A. BERRYHILL

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PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado  
Courtroom Clerk

Not Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFF:  
None Present

ATTORNEYS PRESENT FOR  
DEFENDANT:  
None Present

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**PROCEEDINGS (IN CHAMBERS):**

**Order to Show Cause Why Case Should  
Not Be Dismissed for Failure to Prosecute**

In November 2018, pro se Plaintiff Jose Ramon Batista (“Plaintiff”) filed this lawsuit appealing the denial of social security disability benefits. (Dkt. 1.) On November 15, 2018, the Court issued a Case Management Order (“CMO”). (Dkt. 7.) The CMO provided that the Commissioner shall lodge the certified administrative record and file an answer. (Id. at 2.) The CMO instructed Plaintiff to serve and file his motion for judgment on the pleadings within thirty-five days of the service and filing of the answer. (Id. at 3.) The CMO permitted Plaintiff to request an extension of time if he could not complete his motion despite diligent attempts to meet the deadline. (Id. at 5.)

On April 10, 2019, the Commissioner lodged the administrative record and filed an answer. (Dkts. 12, 13.) Thus, Plaintiff should have filed his motion for judgment on the pleadings on or before May 15, 2019. As of the date of this order, Plaintiff has not filed such a motion. Plaintiff also has not requested any extension of time to do so.

IT IS HEREBY ORDERED that, **on or before August 12, 2019**, Plaintiff shall discharge this order to show cause by filing one of the following: (1) a response explaining why this case should not be dismissed for want of prosecution and/or failure to follow the Court’s orders, (2) a motion for judgment on the pleadings, or (3) a request for voluntary dismissal of this action.

Initials of Deputy Clerk JD